

per annum rate of not to exceed the then current rate for step 5 of level 11 of the House Employees Schedule, as determined by the Speaker, a Secretary, who shall be paid at a basic per annum rate of not to exceed the then current rate for step 9 of level 8 of such Schedule, as determined by the Speaker, and an additional Secretary, who shall be paid at a gross per annum rate of not to exceed the then current rate for step 1 of level 6 of such Schedule as determined by the Speaker, designated and appointed by the Speaker to serve as members of his office staff in such period. Each person so designated and appointed shall be held and considered, for the duration of such appointment, as—

(1) an “employee” for the purposes of subchapter I of chapter 81 (relating to compensation for work injuries) of title 5, and

(2) a “congressional employee” within the meaning of section 2107 of title 5, for the purposes of—

(A) subchapter III (relating to civil service retirement) of chapter 83 of such title,

(B) chapter 87 (relating to Federal employees group life insurance) of such title, and

(C) chapter 89 (relating to Federal employees group health insurance) of such title.

(Pub. L. 91-665, ch. VIII, Jan. 8, 1971, 84 Stat. 1989; Pub. L. 93-532, §1(a), Dec. 22, 1974, 88 Stat. 1723; Pub. L. 95-94, title I, §115, Aug. 5, 1977, 91 Stat. 668; Pub. L. 99-151, title I, §102(a), Nov. 13, 1985, 99 Stat. 797; Pub. L. 104-186, title II, §203(3), Aug. 20, 1996, 110 Stat. 1725.)

CODIFICATION

Section is based on section 5 of House Resolution No. 1238, Ninety-first Congress, Dec. 23, 1970, which was enacted into permanent law by Pub. L. 91-665.

Amendment by Pub. L. 95-94 is based on section 2 of House Resolution No. 1576, Ninety-fourth Congress, Sept. 30, 1976, which was enacted into permanent law by Pub. L. 95-94.

As originally enacted into permanent law, section applied to Speaker of House of Representatives in 91st Congress and has been extended to apply to each former Speaker of House of Representatives. See section 1(a) of Pub. L. 93-532, set out as a note under section 31b-1 of this title.

AMENDMENTS

1996—Pub. L. 104-186 substituted “for payment of” for “to enable the Clerk of the House to pay”.

1985—Pub. L. 99-151 substituted “not to exceed the then current rate for step 5 of level 11 of the House Employees Schedule” for “not to exceed \$3,000” the first place it appeared, “not to exceed the then current rate for step 9 of level 8 of such Schedule” for “not to exceed \$3,000” the second place it appeared, and “not to exceed the then current rate for step 1 of level 6 of such Schedule” for “not to exceed \$9,000”.

1977—Pub. L. 95-94 inserted reference to an additional Secretary paid at a gross per annum of not to exceed \$9,000 as determined by the Speaker and struck out “as Administrative Assistant or Secretary” after “Each person so designated and appointed”.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 2 of H. Res. 1576 provided that amendment is effective on the date of enactment of such section 2 into permanent law, Aug. 5, 1977, the date of approval of Pub. L. 95-94. See Codification note above.

EFFECTIVE DATE

Section effective Jan. 8, 1971, see Effective Date note set out under section 31b-1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 31b-1, 31b-7 of this title.

§ 31b-6. Repealed. Pub. L. 99-151, title I, § 102(b), Nov. 13, 1985, 99 Stat. 797

Section, based on H. Res. No. 1238, §6, Dec. 23, 1970, enacted into permanent law by Pub. L. 91-665, ch. VIII, Jan. 8, 1971, 84 Stat. 1989; Pub. L. 93-532, §1(a), Dec. 22, 1974, 88 Stat. 1723, provided for an allowance to the former Speaker of the House for stationery and other office supplies.

§ 31b-7. Availability of entitlements of former Speaker for 5 years

The entitlements of a former Speaker of the House of Representatives under sections 31b-1 to 31b-7 of this title shall be available—

(1) in the case of an individual who is a former Speaker on October 1, 1993, for 5 years, commencing on October 1, 1993; and

(2) in the case of an individual who becomes a former Speaker after October 1, 1993, for 5 years, commencing at the expiration of the term of office of the individual as a Representative in Congress.

(Pub. L. 103-69, title I, §101A(a), Aug. 11, 1993, 107 Stat. 699.)

CODIFICATION

Section is based on section 8 of House Resolution No. 1238, Ninety-first Congress, Dec. 23, 1970, as added by Pub. L. 103-69. House Resolution No. 1238 was enacted into permanent law by Pub. L. 91-665, ch. VIII, Jan. 8, 1971, 84 Stat. 1989.

EFFECTIVE DATE

Section 101A(b) of Pub. L. 103-69 provided that: “The amendment made by subsection (a) [enacting this section] shall take effect on October 1, 1993.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 31b-1 of this title.

§ 31c. Repealed. Pub. L. 97-51, § 139(b)(2), Oct. 1, 1981, 95 Stat. 967

Section, acts July 9, 1952, ch. 598, 66 Stat. 467; Aug. 1, 1953, ch. 304, title I, 67 Stat. 322, provided that, for taxable years beginning after Dec. 31, 1953, the place of residence of a Member of Congress (including any Delegate and Resident Commissioner) within the State, congressional district, Territory, or possession which he represented in Congress would be considered his home for the purposes of tax provisions making deductible certain living expenses away from home, but that amounts expended by such Member within each taxable year for living expenses could not be deducted for income tax purposes in excess of \$3,000.

EFFECTIVE DATE OF REPEAL

Repeal applicable to taxable years beginning after Dec. 31, 1980, see section 139(b)(3) of Pub. L. 97-51, as amended, set out as an Effective Date of 1981 Amendment note under section 162 of Title 26, Internal Revenue Code.

§ 32. Compensation of President pro tempore of Senate

Whenever there is no Vice President, the President of the Senate for the time being is entitled to the compensation provided by law for the Vice President.

(R.S. § 36.)

CODIFICATION

R.S. § 36 derived from act Aug. 16, 1856, ch. 123, § 2, 11 Stat. 48.

CROSS REFERENCES

Compensation of Vice President, see section 104 of Title 3, The President.

§ 32a. Compensation of Deputy President pro tempore of Senate

Effective January 5, 1977, the compensation of a Deputy President pro tempore of the Senate shall be at a rate equal to the rate of annual compensation of the President pro tempore and the Majority and Minority Leaders of the Senate.

(Pub. L. 95-26, title I, May 4, 1977, 91 Stat. 79.)

CODIFICATION

Section is from the Supplemental Appropriations Act, 1977.

§ 32b. Expense allowance of President pro tempore of Senate; methods of payment; taxability

Effective with fiscal year 1978 and each fiscal year thereafter, there is hereby authorized an expense allowance for the President Pro Tempore which shall not exceed \$10,000 each fiscal year. The President Pro Tempore may receive the expense allowance (1) as reimbursement for actual expenses incurred upon certification and documentation of such expenses by the President Pro Tempore, or (2) in equal monthly payments. Such amounts paid to the President Pro Tempore as reimbursement of actual expenses incurred upon certification and documentation pursuant to this provision, shall not be reported as income, and the expenses so reimbursed shall not be allowed as a deduction, under title 26.

(Pub. L. 95-355, title I, Sept. 8, 1978, 92 Stat. 532; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

§ 33. Senators’ salaries

Senators elected, whose term of office begins on the 3d day of January, and whose credentials in due form of law shall have been presented in the Senate, may receive their compensation from the beginning of their term.

(June 19, 1934, ch. 648, title I, § 1, 48 Stat. 1022; Oct. 1, 1981, Pub. L. 97-51, § 112(b)(2), 95 Stat. 963.)

PRIOR PROVISIONS

A prior section 33, act Mar. 3, 1883, ch. 143, 22 Stat. 632, entitled Senators to receive their compensation monthly, from the beginning of their term, prior to repeal by section 112(b)(1) of Pub. L. 97-51.

AMENDMENTS

1981—Pub. L. 97-51 struck out “monthly” after “may receive their compensation”.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 112(e) of Pub. L. 97-51 provided that: “The amendments and repeals made by this section [enact-

ing section 35a of this title and amending this section and sections 39 and 60c-1 of this title] shall be effective in the case of compensation payable for months after December 1981.”

CROSS REFERENCES

Claims for overpayment of pay or allowances to Senators, see section 130c of this title.

§ 34. Representatives’ and Delegates’ salaries payable monthly

Representatives and Delegates-elect to Congress, whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 26 of this title, may receive their compensation monthly, from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use to be signed by the Clerk of the House, which certificate shall have the like force and effect as is given to the certificate of the Speaker.

(R.S. § 38; Mar. 3, 1875, ch. 130, § 1, 18 Stat. 389.)

CODIFICATION

R.S. § 38 derived from act Mar. 3, 1873, ch. 226, § 1, 17 Stat. 488.

§ 35. Salaries payable monthly after taking oath

Each Member and Delegate, after he has taken and subscribed the required oath, is entitled to receive his salary at the end of each month.

(R.S. § 39.)

CODIFICATION

R.S. § 39 derived from Res. Mar. 29, 1867, No. 18, 15 Stat. 24.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 35a of this title.

§ 35a. End-of-the-month salary payment schedule inapplicable to Senators

Section 35 of this title shall not be construed as being applicable to a Senator.

(Pub. L. 97-51, § 112(c), Oct. 1, 1981, 95 Stat. 963.)

CODIFICATION

Provisions of subsec. (c) of section 112 of Pub. L. 97-51 that such subsec. (c) would apply on and after the effective date of the amendments and repeals made by section 112 of Pub. L. 97-51 were omitted in the codification of this section since their impact was identical to that of the effective date provisions of subsec. (e) of section 112 of Pub. L. 97-51, set out as an Effective Date of 1981 Amendment note under section 33 of this title. See Effective Date note below.

EFFECTIVE DATE

Section effective in the case of compensation payable for months after December 1981, see section 112(e) of Pub. L. 97-51, set out as an Effective Date of 1981 Amendment note under section 33 of this title.

§ 36. Salaries of Senators

Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified: *Provided*, That when Senators have been elected during a sine